

**Amendments to the
Topanga Canyon and Santa Monica Mountains North Area
Community Standards Districts**

Staff Report

**Fences, Walls and Landscaping
Development Standards and Modification Procedure**

October 22, 2008

County of Los Angeles
Department of Regional Planning
Community Studies II

BACKGROUND

On May 6, 2008, the Board of Supervisors instructed the Director of Regional Planning to prepare an ordinance to allow yard modifications with a director's review within the Topanga community, which includes the Topanga Canyon Community Standards District and the Topanga Canyon Area of the Santa Monica Mountains North Area Community Standards District (the CSDs).

The Topanga area was developed in the early years with scattered cabins used on an occasional basis for recreation such as hunting, fishing and camping. In the 1920s and 1930s, land speculators in Topanga Canyon sold, and in some cases gave away through promotions, very small lots (some as small as 1,000 square feet) intended to be used as weekend getaway spots for city folk. Increasingly, permanent dwelling units were constructed on these substandard lots, and many narrow, winding mountain trails on the steep hillsides were paved to provide more reliable access. The Topanga Canyon CSD was adopted in 1990 to establish development standards in those areas lacking adequate infrastructure and that are subject to the potential hazards of fire, flood or geologic instability. Preservation of important ecological resources and scenic features were also goals of the CSD. Because of these factors, the variance procedure is required for any modification of development standards to ensure adequate review of proposals which could potentially undermine safety or threaten resources.

Many fences and walls have been installed within required yards in the Topanga area without approvals from the Department of Regional Planning or, for areas within the Coastal Zone, the California Coastal Commission (see Appendix for *Field Observation Notes* and related photo images). As a result, safety in the area has been compromised and visual resources have been impacted. In the antiquated subdivision areas of the Topanga community, the variance procedure is the only process available to consider requests for yard modifications, such as fence height increases within required yards. The requirement to obtain a variance places a difficult burden of proof on property owners as most unincorporated areas, including the areas of the Topanga community outside the antiquated subdivisions; allow yard modifications through the director's review procedure. These proposed amendments are intended to provide a less burdensome procedure for certain yard modifications, but to continue to address issues related to safety and visual resource protection.

PROJECT DESCRIPTION

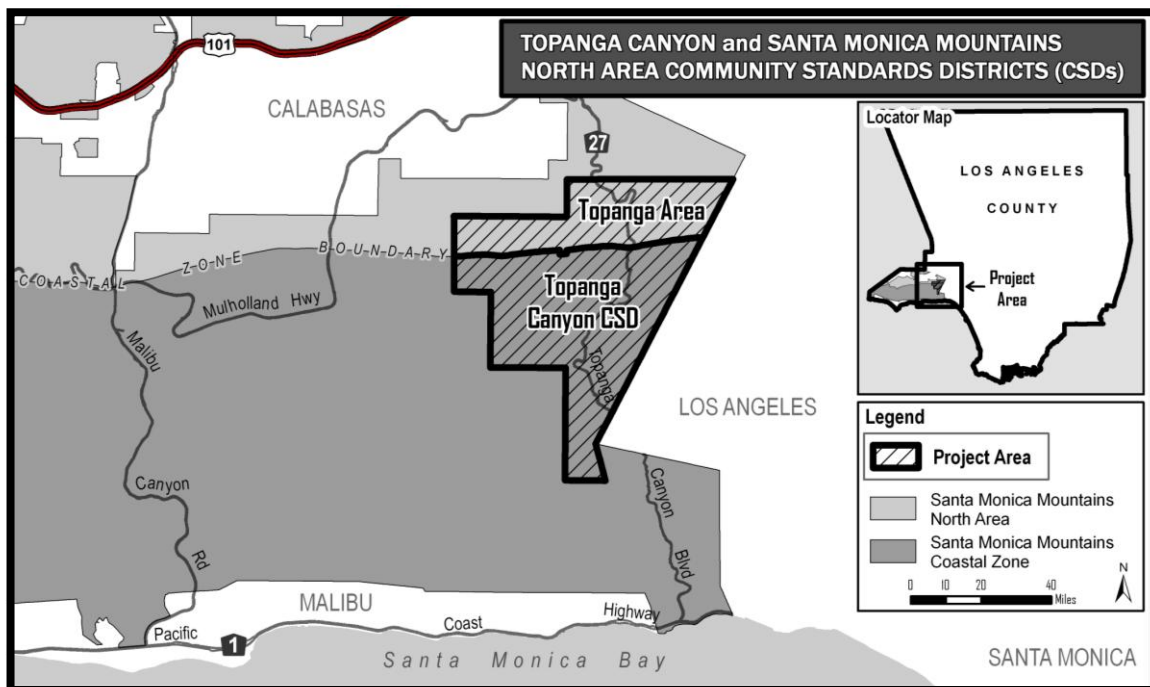
The project proposes amending the Topanga Canyon and Santa Monica Mountains North Area Community Standards Districts (the CSDs, Sections 22.44.119 D.5.b and 22.44.133 F.2.d.iii.(B), respectively) to allow the use of the director's review for yard modifications in the antiquated subdivision areas of the Topanga community for construction of fences and walls exceeding the maximum allowable height of 42 inches within required front yards, and within

side and rear yards adjacent to roadways, to a maximum height of six feet, and proposes development standards to regulate fence height, materials, and transparency. All fences, walls and hedges in the entire Topanga community would be required to adhere to the new development standards. In the North Area CSD, only the Topanga Canyon Area will be affected by the amendments. For the purposes of this report, the term “fences” is meant to include fences, walls and hedges, unless specified otherwise.

TOPANGA CANYON and SANTA MONICA MOUNTAINS NORTH AREA CSDs

Project Area Location

The project area consists of the Topanga community within the Topanga Canyon and Santa Monica Mountains North Area CSDs, which are located in the eastern Santa Monica Mountains, along the Coastal Zone boundary, west and south of the City of Los Angeles, and north of the City of Malibu.



Source: Los Angeles County Department of Regional Planning

Access

The project area is accessible from the north via the Ventura Freeway (US-101) and north-south Topanga Canyon Boulevard (State Highway 27), Mulholland Highway, and Old Topanga Canyon Road. The project area is accessible from the south via Pacific Coast Highway (US-1) and Topanga Canyon Boulevard. From the west, the project area may be accessed via Saddle Peak Road. The project area has no direct access from the City of Los Angeles to the east.

Physical Characteristics

The area potentially affected by the amendments is composed primarily of relatively densely-populated, antiquated subdivisions characterized by steep canyons and rolling hills with narrow winding roads. The area contains dense woodlands, streams, and ponds, and consists of native vegetation such as oak and walnut trees, chaparral, and scrub, in addition to ornamental landscaping. Its diverse fauna includes Steelhead Trout, Southwestern Pond Turtles, red-legged frogs, coyotes, bobcats, and red-tailed hawks. The project area has several protected visual resources, such as Scenic Elements, a Scenic Route and Scenic Point, and existing and proposed Significant Ridgelines. All of the project area is within a Very High Fire Hazard Severity Zone.

ISSUES

Currently, yard modifications in the antiquated subdivision areas of the Topanga community may be requested through the variance procedure to place a structure that does not meet the development standards within required yards. Allowing buildings within required yards or fences within required front yards in excess of the current maximum height of 42 inches raises concerns related to safety and the protection of visual resources, as evidenced by the tall, solid fences in the Topanga area. Furthermore, buildings located within required yards in an area like Topanga create particular concerns related to fire safety.

Safety

The roads within the project area are often narrow and winding, and vary in steepness. Many of the roads are privately owned and not well-maintained. Solid fences without visual transparency and exceeding height limits within front and side yards are commonly located at the edge of the roadway pavement. The placement of tall, solid fences along narrow roadways, together with the terrain, creates visibility problems for vehicles traveling along the road or attempting to enter a roadway from an intersecting street or driveway. Views into property are obstructed by the fences, further compromising safety for emergency responders such as the Fire and Sheriff's Departments.

Structures within required yards, either fences that exceed current height limits or buildings, may increase the fire danger to adjacent properties: fire on one property could more quickly spread to adjoining vegetation or structures, decreasing the amount of time residents have to evacuate or Fire personnel have to respond to and contain a fire.

Visual Resources

In addition to disrupting roadway and private property visibility, views of the surrounding landscape are often obstructed from public areas by excessively tall and opaque fences located within required yards. Visual access to the Topanga area's many scenic resources, including scenic highways and ridgelines, is compromised along with the rural, open character of the Topanga area neighborhoods. This disruption is inconsistent with policies established by the

1986 Malibu Land Use Plan and Santa Monica Mountains North Area Plan to protect visual resources in the project area. Visibility of scenic resources would be further affected by buildings placed in required yards.

Issues Summary

The impacts on visibility created by tall, opaque fences within required yards and adjacent to public roadways create a safety hazard that staff believes can be addressed by regulating the height, materials, and transparency. However, visibility impacts caused by structures within required yards cannot be addressed through transparency standards because of the size and massing of those potential structures and buildings. Structures and buildings within required yards would severely impact visibility. Furthermore, buildings and structures in closer proximity to other buildings and structures on adjacent properties would increase the fire danger in the Topanga community. Therefore, staff believes that yard modifications subject to the director's review procedure should be restricted to fences, walls and hedges. Yard modifications to erect, place, or project buildings and structures into and within required yards should continue to be subject to the variance procedure.

Allowing the construction of fences over 42 inches within front yards may increase view-obstructing or -obscuring conditions on roadways within the project area, potentially compromising safety and the visual quality of the area by impeding visibility of the roadways and landscape. Therefore, the proposed amendments include regulations to ensure that the issues discussed above are addressed in future fence and wall construction.

CURRENT REGULATIONS AND DEVELOPMENT STANDARDS

Fences and walls

Fence and wall requirements in much of the County, including the Topanga area, are governed by Section 22.48.160 (Fences and walls) and Section 22.48.210 (Intersections – Corner cutoff requirements) of the Zoning Code (Title 22 of the County Code). The development standards in these sections establish the maximum height of fences and walls constructed within required yards. The Code requires that fences and walls within required front yards shall not exceed a height of three and one-half feet (42 inches). Fences within corner side yards may not exceed 42 inches where closer than five feet to a highway line, nor exceed six feet in height where five feet or more from a highway line. Fences within interior side and rear yards shall not exceed six feet in height; however, such fences along the street or highway side of a corner lot are subject to the requirements for a corner side yard. In addition, no building or structure shall be placed within the curve radii required at the intersections of roads in order to maintain line-of-sight.

The provisions in Section 22.48.160 are mostly related to fence height and location within required yards. The section does not provide additional standards for regulating the design of fences, except for those erected atop retaining walls.

For safety purposes, such fences must be “open-work” and “non-view-obscuring”. This section contains no standards for fences with respect to materials or transparency.

Fence and wall height requirements do, however, extend to hedges. Section 22.48.170 Trees, shrubs, flowers and landscaping, requires that all height restrictions applying to fences and walls shall also apply to hedges planted within required yards and forming a barrier serving the same purpose as a fence or wall. Because the County Code treats hedges in required yards as a fence or wall, staff recommends that all landscaping, including trees, shrubs, flowers and vines, forming a barrier or obstructing views in the same manner as a fence or wall be subject to development standards that limit their impact on visibility in the Topanga Community. Staff recommends that in required yards adjacent to a highway line, landscaping exceeding 42 inches shall be no closer than ten feet from the highway line. Landscaping further than ten feet from the highway line may exceed 42 inches up to six feet.

Development Standards for Fences in Other CSDs

In addition to the development standards in Sections 22.48.160 and 22.48.210, standards for fences are specified within several CSDs of Title 22. Of the 23 CSDs, 10 contain requirements specific to fences and walls within required yards. A summary of those standards is shown in the table *Standards for Fences in Required Yards* (See Appendix). With regard to fence type and materials, chain link and wrought iron are primarily specified for fences over 42”, for fences within front and corner side yards, and where obscuring or obstructing views is prohibited. Three CSDs, Acton, Castaic Area, and Southeast Antelope Valley, specify fence type/materials other than chain link and wrought iron. The Castaic Area and Southeast Antelope Valley CSDs specify fence materials for properties that are along or adjoining public or private roadways. Two CSDs, Acton and Juniper Hills, contain specific requirements for transparency. No CSD regulates fence or wall color.

Modifications of Development Standards

Community standards districts provide primarily two procedures for consideration of requests for either modifications of or minor variations from development standards: the variance procedure, which requires a public hearing, and the director’s review, which does not. Three CSDs require the granting of a variance for modifications of development standards, including yard modifications: Twin Lakes, Santa Monica Mountains North Area/Topanga Area and Topanga Canyon. Only one CSD, Altadena, requires a conditional use permit for modifications of development standards.

The development standards that may be subject to the director’s review for modifications to yard or setback regulations under Section 22.48.180, Modifications authorized, include those applicable to any building (including accessory buildings such as garages or carports within front yards on sloping terrain and in rear and side yards) or structure (including accessory structures and equipment such as planter boxes and masonry planters, swimming pools,

ground-mounted equipment such as air conditioners, trash enclosures, on-site signs and freestanding signs placed within any yard or setback), fences and walls, trees, shrubs and landscaping, projections into yards (such as eaves and cantilevered roofs, fireplace structures, and uncovered porches, platforms, landings and decks) and yard requirements.

Certain conditions must be met in order for a director's review to result in an approval. In addition to fence height increases, yard modifications may be requested to place or erect any structure within required yards. Section 22.48.180, Modifications authorized, states in part:

The director of planning or the county engineer, without notice or hearing, may grant a modification to yard or setback regulations required by the ordinance codified in this Title 22 or any other ordinance where topographic features, subdivision plans or other conditions create an unnecessary hardship or unreasonable regulation or make it obviously impractical to require compliance with yard requirements or setback line, except for the supplemental yards established contiguous to limited secondary highways which only may be modified in accordance with Section 22.48.115 . . .

The proposed amendments are limited to considering yard modifications through a director's review only for fence height increases within required yards, and not for the construction or placement of any other structure type. Structures other than fences and walls within required yards of antiquated subdivisions should remain subject to the variance procedure for the reasons discussed in the Issues section above.

PROPOSED AMENDMENTS

The proposed amendments would allow a director's review for yard modifications involving fences, walls and landscaping within required yards in Topanga's antiquated subdivisions. To recognize the uniqueness of the Topanga community, to enhance safety and to protect visual resources in the entire Topanga area, the proposed amendments establish new development standards for fences, walls and landscaping. These standards allow a greater height for fences and walls in certain yards but limit the maximum height of such fences to six feet, and establish design standards for transparency and materials of fences and walls higher than 42 inches within required yards in the Topanga area. The proposed standards also limit landscaping in required yards within ten feet of a highway line to 42 inches in height. Landscaping beyond 10 feet of a highway line may exceed 42 inches up to six feet maximum.

The primary proposed transparency standard requires that at least 70 percent of the fence or wall area above 42 inches in height must be open-air and non-view obscuring. This is consistent with the development standard for fences and walls approved by your Commission in the draft Santa Monica Mountains LCP. To ensure this degree of transparency is attained, specific requirements will limit the

size and spacing of the fence and wall materials for the area higher than 42 inches and up to six feet. The proposed amendments also ensure compatibility with the surrounding landscape by limiting design and construction materials, prohibiting chain link, wire, and highly reflective materials, and requiring that fences and walls be earth-tone or neutral in color. (See Appendix for examples of fence and wall designs.)

GENERAL PLAN CONSISTENCY ANALYSIS

The project area affected by the proposed amendments fall within the jurisdiction of the 1986 Malibu Land Use Plan (LUP) and the Santa Monica Mountains North Area Plan (the Plans), both of which are components of the Countywide General Plan.

The proposed amendments to the CSDs would allow the use of the director's review for yard modifications for construction of fences exceeding the maximum allowable height within required yards, and establish development standards to regulate fence height, materials and transparency. The amendment to allow the use of the director's review for yard modifications within the CSDs is consistent with availability of the director's review procedure for yard modifications in other areas of the County and in 80 percent of the Topanga Canyon CSD.

The proposed amendments to the CSDs specify regulations for fence and wall materials to ensure fence and wall compatibility with the project area and are consistent with the Malibu LUP, policy P129:

Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.

The proposed amendments to the development standards of the CSDs would establish a maximum height for fences within required yard setbacks, and a height threshold above which would require a specific level of visual transparency. Such regulations are consistent with policies of the Plans to protect visual resources and ensure visual compatibility. Specifically, policy P130 of the Malibu LUP states:

In highly scenic areas, and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping shall:

be sited and designed to protect views to and along the ocean to and along other scenic features, as defined and identified in the Malibu LCP.

. . .

Also, policy P131 of the Malibu LUP states:

Where feasible, prohibit placement of structures that will break the ridgeline view, as seen from the public places.

The proposed amendments to regulate fence and wall construction for the protection of visual resources are consistent with the Santa Monica Mountains North Area Plan, policy IV-29, which states:

Maintain and enhance the visual quality of vistas along the unincorporated portions of identified scenic routes and routes with scenic qualities, including:

. . .

Routes with scenic qualities:

. . .

- *Old Topanga Canyon Road*
- *Topanga Canyon Boulevard*

The proposed amendments apply only to fences and walls within required yards to promote a built environment that minimizes loss of life and injury, and protects resources and property, which is consistent with the following policy of the Santa Monica Mountains North Area Plan:

Policy V-10:

In fire-hazardous areas with significant biological resources, place a higher priority on avoiding development than on designing mitigation measures that would require intrusive fuel breaks and fuel modification areas to protect new development.

These policies demonstrate that visual resources are an important feature of the Santa Monica Mountains and should be protected to preserve the rural, open character of the landscape, and that safety is an important factor that would be enhanced by these amendments (See the Appendix for a complete list of policies related to the amendments).

SUMMARY

Staff recognizes that the current requirement for a variance to review requests for yard modifications is seen as an unnecessary burden on property owners, and that the director's review for yard modifications is available in areas of the Topanga community not located within an antiquated subdivision and other unincorporated areas of the County. But staff also understands that fences and walls exceeding height requirements, constructed with little or no transparency and erected along roadway edges within the project area, compromise safety and the protection of visual resources, especially scenic highways, viewsheds,

and ridgelines. Structures, particularly buildings or other roofed structures, pose a unique fire hazard if placed within required yards and in close proximity to other structures. Therefore staff recommends that yard modifications subject to the director's review procedure be restricted to fences and walls. Structures other than fences, walls and hedges within required yards would be particularly dangerous and disruptive, and should remain subject to the variance procedure.

To protect the project area's visual resources and enhance safety, staff also recommends establishing design standards for fence and wall height, materials, and transparency that would be consistent with the policies of the Plans, the CSDs, and Section 22.48.160 Fences and walls. The proposed regulations would maintain safety, maximize visibility of the surrounding landscape and roadways, and promote fence and wall design compatibility in the Topanga Canyon areas of the Santa Monica Mountains.

ENVIRONMENTAL DOCUMENTS

In compliance with California Environmental Quality Act (CEQA) Guidelines and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles, staff prepared an Initial Study of the proposed amendments. The Initial Study showed no substantial evidence that the proposed amendments will have a significant effect on the environment, and therefore staff has prepared a Negative Declaration for this project.

PUBLIC CONTACT

Staff has received no inquiries about the proposed amendments.

STAFF RECOMMENDATION

Staff recommends your Commission take the following actions:

- Approve the proposed amendments to the Topanga Canyon and Santa Monica Mountains North Area Community Standards Districts
- Approve the environmental documents prepared for these amendments
- Instruct staff to transmit these documents to the Board of Supervisors for Public Hearing

Please contact Jeff Juarez at 213/974-6422 if you have any questions.

Attachments

GMN:JAJ

APPENDIX

FIELD OBSERVATION NOTES

Access (see Field Observation Photos, Figures 1 – 4)

- Public and private roads – very narrow, steep inclines
- Visibility is limited
- Navigation unsafe for emergency vehicles
- Some roads not accessible to emergency vehicles
- Access restricted for large service vehicles (sanitation, sewage disposal, etc.)
- Vehicles parked along roads, trash and recycle receptacles, and smaller structures, such as mailboxes, further narrow and restrict access

Visibility (see Field Observation Photos, Figures 5 – 8)

- Visibility varies widely
- Wider roads: visibility is normal (Topanga Canyon Boulevard)
- Visibility reduced on roads with sharp curves and solid fences
- Visibility limited on narrow roads
- Many roads – dense and tall hedges or shrubs inhibit views
- Solid fences and/or dense shrubs in excess of 42” located at edge of right-of-way restrict views of vehicles
- Visibility into properties is limited due to solid fences in excess of 42”
- Visibility of surrounding landscape is disrupted
- Tall, solid fences enhance privacy, but also compromise safety for the property owners by restricting visibility for emergency and law enforcement responders

Visual Compatibility (see Field Observation Photos, Figures 9 – 12)

- Fence design (height, materials, colors, and transparency) varies: “hodge-podge”
- Fence type/materials: stone, wood, stucco, concrete masonry block, wrought iron, split rail, chain link, tubular steel, and wire, or combination of these materials
- Colors of stone and paint or finish vary – visually compatible with the area
- Fence condition highly divergent; some maintained, others in decline (falling over/need repaint)
- Fence materials appropriate for the area: stone, fire-resistant wood, stucco or plaster, concrete, brick, wrought iron and tubular steel fencing
- Chain link and wire fencing do not seem compatible for the area

FIELD OBSERVATION PHOTOS

Access



Figure 1. Topanga



Figure 2. Topanga



Figure 3. Topanga



Figure 4. Fernwood

Visibility



Figure 5. Fernwood



Figure 6. Fernwood



Figure 7. Old Post Office Tract



Figure 8. Old Post Office Tract

Visual Compatibility



Figure 9. Old Post Office Tract



Figure 10. Topanga



Figure 11. Topanga



Figure 12. Topanga

Standards for Fences in Required Yards

CSD	Height	Type/Material	Transparency
Acton	Section 22.48.160: 42 inches in front and some corner side yards; and up to 6 feet in some side, rear, and corner side yards	Only split rail, open wood, wire or wrought iron, or similar open-type shall be permitted (except on residential lots less than 10,000 square feet in size)	At least 70 percent of entire fence shall be non-view-obscuring; no slats or other view-obscuring materials allowed; solid lineal sections only for structural purposes or minor architectural design features
Avocado Heights	For fences over 42 inches – may not exceed 6 feet if chain link or wrought iron	None	Portions exceeding 42 inches cannot completely obstruct the public's view
Castaic Area	Section 22.48.160: 42 inches in front and some corner side yards; and up to 6 feet in some side, rear, and corner side yards	For fences along any public or private road: split rail, open wood, rock, block, or iron (chain link may be substituted per the Director's approval, and must have landscaping along the entire length of the fence)	None
East Los Angeles	Applies to fences over 42 inches: Chain link or wrought iron (up to 4 feet, wrought iron up to 6 feet with Director's approval)	Chain link or wrought iron permitted for fences exceeding 42 inches	Portions over 42 inches: substantially open; no significant visual obstruction
Florence-Firestone	For fences over 42 inches – may not exceed 4 feet if chain link or wrought iron except with Director's review (for up to additional 2 feet)	None	Cannot completely obstruct the public's view

Juniper Hills	Maximum 6 feet	Barbed or concertina wire prohibited	90 percent of top 3 feet of fences: open and non-view obscuring
Leona Valley	Section 22.48.160: 42 inches in front and some corner side yards; and up to 6 feet in some side, rear, and corner side yards	None	Open, non-view-obscuring (such as split rail or wire); prohibits solid, view-obscuring perimeter fences/walls
Willowbrook	Up to 6 feet for wrought iron fences with Director's approval	Chain link or wrought iron permitted within front and corner side yards	Substantially open for portions over 42 inches, except for pillars used in conjunction with wrought iron fences
Rowland Heights	Corner properties limited to 42 inches	None	None
Southeast Antelope Valley	Section 22.48.160: 42 inches in front and some corner side yards; and up to 6 feet in some side, rear, and corner side yards	Prohibits garage doors for fence use. Fences within a required yard adjoining any public or private road shall be chain link, split rail, open wood, rock, block, split-faced or whole brick, wooden pickets, iron, any combination of these materials, or other materials per Director's approval	None

Fence and Wall Design Examples



Source: www.gates.itcstore.com



Source: www.peakfencing.com



Source: www.fencebarn.com



Source: www.peakfencing.com



Source: www.peakfencing.com



Source: www.fencebarn.com

POLICIES

1986 MALIBU LAND USE PLAN:

Visual Compatibility

P129 Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.

P130 In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:

be sited and designed to protect views to and along the ocean to and along other scenic features, as defined and identified in the Malibu LCP.

. . .

be visually compatible with and subordinate to the character of its setting.

be sited so as not to significantly intrude into the skyline as seen from public viewing places.

Visually Prominent Elements

P131 Where feasible, prohibit placement of structures that will break the ridgeline view, as seen from public places.

Design/Visual Elements

P141 Fencing or walls to be erected on the property shall be designed and constructed to allow for view retention from scenic roadways.

SANTA MONICA MOUNTAINS NORTH AREA PLAN:

Hillside Management

IV-15 Require that structures within hillside development areas be sited in a manner that will:

. . .

- c. preserve vistas of natural hillside areas and ridgelines from designated public places, including streets and highways.*

Scenic Resources

IV-29 Maintain and enhance the visual quality of vistas along the unincorporated portions of identified scenic routes and routes with scenic qualities, including:

. . .

Routes with scenic qualities:

. . .

- *Old Topanga Canyon Road*
- *Topanga Canyon Boulevard*

Fire Hazards

Policy V-10: In fire-hazardous areas with significant biological resources, place a higher priority on avoiding development than on designing mitigation measures that would require intrusive fuel breaks and fuel modification areas to protect new development.

Pattern and Character of Development

VI-13 In addition to maintaining low densities within rural areas, require the provision protection of the features that contribute to rural character and rural lifestyles, including, but not limited to:

. . .

- *An impressive physical setting, comprised of large areas of natural hillside, oak woodlands, canyons, riparian areas, and wildlife; and a visual character dominated by natural environmental features;*
- *Preservation of openness and scenic beauty of the community's natural environment;*

. . .